

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YONY SOSA, ON BEHALF OF HIMSELF AND
ALL OTHER PERSONS SIMILARLY
SITUATED,

Plaintiffs,

v.

GREATCOLLECTIONS.COM, LLC,

Defendant.

No.: 1:20-cv-6978

ANSWER TO COMPLAINT

Defendant GreatCollections.com, LLC, by its undersigned counsel, respond as follows to the Complaint filed in the above-named action by Plaintiffs, filed on August 27, 2020, as follows:

INTRODUCTION

1. Defendant admits the allegations of paragraph 1 of the Complaint.
2. Defendant has insufficient knowledge to admit or deny the allegations of paragraph 2 of the Complaint.
3. Defendant admits the allegations of paragraph 3 of the Complaint.
4. Defendant has insufficient knowledge to admit or deny the allegations of paragraph 4 of the Complaint.
5. Defendant denies the allegations of paragraph 5 of the Complaint.
6. Defendant denies the allegations of paragraph 6 of the Complaint.
7. Defendant denies the allegations of paragraph 7 of the Complaint.

1 8. Defendant denies that any discrimination has occurred. Defendant further denies
2 that Defendant's online-only numismatic auction company is a place of public accommodation
3 subject to the ADA and denies that Defendant's website is not compliant with the requirements
4 of the ADA. Defendant admits the remaining allegations of paragraph 8 of the Complaint.

5 9. Defendant denies that Defendant's online-only numismatic auction company
6 offers medical treatment, health care services, food, or other personal or household necessities
7 difficult to obtain during the COVID-19 Pandemic. Defendant admits the remaining allegations
8 of paragraph 9 of the Complaint.

9
10 JURISDICTION AND VENUE

11 10. Defendant denies that Defendant's online-only numismatic auction company is a
12 place of public accommodation subject to the ADA and denies that Defendant's website is not
13 compliant with the requirements of the ADA. Defendant admits the allegations as to subject-
14 matter jurisdiction in paragraph 10 of the Complaint.

15 11. Defendant denies that Defendant's online-only numismatic auction company is
16 subject to the New York State Human Rights Law (NYSHRL) or the New York City Human
17 Rights Law (NYCHRL). Defendant admits the allegations as to supplemental jurisdiction in
18 paragraph 11 of the Complaint.

19 12. Defendant admits the allegations of paragraph 12 of the Complaint.

20 13. Defendant admits to personal jurisdiction in the Southern District of New York.
21 Defendant denies the remaining allegations in paragraph 13 of the Complaint.

22 14. Defendant has insufficient knowledge to admit or deny the allegations of
23 paragraph 14 of the Complaint.

24 15. Defendant admits the allegations of paragraph 15 of the Complaint.

25 THE PARTIES

26 16. Defendant has insufficient knowledge to admit or deny the allegations of
27 paragraph 16 of the Complaint.

1 New York, and that Defendant delivers purchased items to buyers throughout the United States,
2 including New York.

3 28. Defendant denies that Defendant is a place of public accommodation subject to
4 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
5 requirements of the ADA, NYSHRL or NYCHRL.

6 29. Defendant has insufficient knowledge to admit or deny the allegations of
7 paragraph 29 of the Complaint.

8 30. Defendant has insufficient knowledge to admit or deny the allegations of
9 paragraph 30 of the Complaint.

10 31. Defendant denies that Defendant is a place of public accommodation subject to
11 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
12 requirements of the ADA, NYSHRL or NYCHRL.

13 32. Defendant denies that Defendant is a place of public accommodation subject to
14 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
15 requirements of the ADA, NYSHRL or NYCHRL.

16 33. Defendant denies that Defendant is a place of public accommodation subject to
17 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
18 requirements of the ADA, NYSHRL or NYCHRL.

19 34. Defendant has insufficient knowledge to admit or deny whether Plaintiff accessed
20 Defendant's website. Defendant denies that Defendant is a place of public accommodation
21 subject to the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not
22 compliant with the requirements of the ADA, NYSHRL or NYCHRL.

23 35. Defendant has insufficient knowledge to admit or deny whether Plaintiff accessed
24 Defendant's website. Defendant denies that Defendant is a place of public accommodation
25 subject to the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not
26 compliant with the requirements of the ADA, NYSHRL or NYCHRL.

27 36. Defendant has insufficient knowledge to admit or deny the allegations of
28 paragraph 36 of the Complaint. Defendant denies that Defendant is a place of public

1 accommodation subject to the ADA, NYSHRL or NYCHRL, and denies that Defendant's
2 website is not compliant with the requirements of the ADA, NYSHRL or NYCHRL.

3 37. Defendant has insufficient knowledge to admit or deny whether Plaintiff accessed
4 Defendant's website. Defendant denies that Defendant is a place of public accommodation
5 subject to the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not
6 compliant with the requirements of the ADA, NYSHRL or NYCHRL.

7 38. Defendant denies that Defendant is a place of public accommodation subject to
8 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
9 requirements of the ADA, NYSHRL or NYCHRL.

10 39. Defendant denies that Defendant is a place of public accommodation subject to
11 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
12 requirements of the ADA, NYSHRL or NYCHRL.

13 40. Defendant denies that Defendant is a place of public accommodation subject to
14 the ADA and denies that Defendant's website is not compliant with the requirements of the
15 ADA.

16 41. Defendant denies the allegations of paragraph 41 of the Complaint.

17 42. Defendant has insufficient knowledge to admit or deny the allegations of
18 paragraph 42 of the Complaint

19 43. Defendant denies that Defendant is a place of public accommodation subject to
20 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
21 requirements of the ADA, NYSHRL or NYCHRL.

22 44. Defendant denies that Defendant is a place of public accommodation subject to
23 the ADA, NYSHRL or NYCHRL, and denies that Defendant's website is not compliant with the
24 requirements of the ADA, NYSHRL or NYCHRL.

25 45. Defendant denies the allegations of paragraph 45 of the Complaint.

26 46. Defendant denies the allegations of paragraph 46 of the Complaint.

27 CLASS ACTION ALLEGATIONS

1 47. Defendant denies that Defendant is a place of public accommodation subject to
2 the ADA and denies that Defendant's website is not compliant with the requirements of the
3 ADA. Defendant admits the remaining allegations of paragraph 47 of the Complaint.

4 48. Defendant denies that Defendant is a place of public accommodation subject to
5 the ADA and denies that Defendant's website is not compliant with the requirements of the
6 ADA. Defendant admits the remaining allegations of paragraph 48 of the Complaint.

7 49. Defendant denies that Defendant is a place of public accommodation subject to
8 the ADA and denies that Defendant's website is not compliant with the requirements of the
9 ADA. Defendant admits the remaining allegations of paragraph 49 of the Complaint.

10 50. Defendant denies that Defendant is a place of public accommodation subject to
11 the ADA, NYSHRL or NYCHRL. Defendant admits the remaining allegations of paragraph 50
12 of the Complaint.

13 51. Defendant denies that Defendant is a place of public accommodation subject to
14 the ADA, NYSHRL or NYCHRL. Defendant admits the remaining allegations of paragraph 51
15 of the Complaint.

16 52. Defendant has insufficient knowledge to admit or deny the allegations of
17 paragraph 52 of the Complaint.

18 53. Defendant admits the allegations of paragraph 53 of the Complaint.

19
20 FIRST CUASE OF ACTION

21 VIOLATIONS OF THE ADA, 42 U.S.C. §12181 *et seq.*

22 54. Defendant reasserts its answers to paragraphs 1 – 53 of the Complaint.

23 55. Defendant admits the allegations of paragraph 55 of the Complaint.

24 56. Defendant denies that Defendant is a place of public accommodation subject to
25 the ADA and denies that Defendant's website is not compliant with the requirements of the
26 ADA. Defendant admits the remaining allegations of paragraph 56 of the Complaint.

1 57. Defendant denies that it is a place of public accommodation within the definition
2 of Title II of the ADA, 42 U.S.C. §12181(7). Defendant denies that its website is “a service,
3 privilege, or advantage” of Defendant’s online auction house as defined by the ADA.

4 58. Defendant denies that Defendant is a place of public accommodation subject to
5 the ADA and denies that Defendant’s website is not compliant with the requirements of the
6 ADA. Defendant admits the remaining allegations of paragraph 58 of the Complaint.

7 59. Defendant denies that Defendant is a place of public accommodation subject to
8 the ADA and denies that Defendant’s website is not compliant with the requirements of the
9 ADA. Defendant admits the remaining allegations of paragraph 59 of the Complaint.

10 60. Defendant denies that Defendant is a place of public accommodation subject to
11 the ADA and denies that Defendant’s website is not compliant with the requirements of the
12 ADA. Defendant admits the remaining allegations of paragraph 60 of the Complaint.

13 61. Defendant denies that Defendant is a place of public accommodation subject to
14 the ADA and denies that Defendant’s website is not compliant with the requirements of the
15 ADA. Defendant has insufficient knowledge to admit or deny the allegations of paragraph 61 of
16 the Complaint.

17 62. Defendant denies the allegations of paragraph 62 of the Complaint.

18 SECOND CAUSE OF ACTION

19 VIOLATIONS OF THE NYSHRL

20 63. Defendant reasserts its answers to paragraphs 1 – 62 of the Complaint.

21 64. Defendant denies that Defendant is a place of public accommodation subject to
22 the NYSHRL, and denies that Defendant’s website is not compliant with the requirements of the
23 NYSHRL. Defendant admits the remaining allegations of paragraph 64 of the Complaint.

24 65. Defendant denies that its website is a place of public accommodation subject to
25 the NYSHRL, and denies that Defendant’s website is not compliant with the requirements of the
26 NYSHRL. Defendant denies that its website is a “service, privilege or advantage” of
27 Defendant’s online auction house as defined by the NYSHRL.
28

66. Defendant denies the allegations of paragraph 64 of the Complaint.

67. Defendant denies the allegations of paragraph 67 of the Complaint.

68. Defendant denies that Defendant is a place of public accommodation subject to the NYSHRL, and denies that Defendant's website is not compliant with the requirements of the NYSHRL. Defendant admits the remaining allegations of paragraph 68 of the Complaint.

69. Defendant denies that Defendant is a place of public accommodation subject to the NYSHRL, and denies that Defendant's website is not compliant with the requirements of the NYSHRL. Defendant admits the remaining allegations of paragraph 69 of the Complaint.

70. Defendant has insufficient knowledge to admit or deny the allegations of paragraph 70 of the Complaint.

71. Defendant denies the allegations of paragraph 71 of the Complaint.

72. Defendant denies the allegations of paragraph 72 of the Complaint.

73. Defendant denies the allegations of paragraph 73 of the Complaint.

74. Defendant denies the allegations of paragraph 74 of the Complaint.

75. Defendant denies the allegations of paragraph 75 of the Complaint.

76. Defendant denies the allegations of paragraph 76 of the Complaint.

77. Defendant denies the allegations of paragraph 77 of the Complaint.

THIRD CAUSE OF ACTION

VIOLATIONS OF THE NYCHRL

78. Defendant reasserts its answers to paragraphs 1 – 77 of the Complaint.

79. Defendant denies that Defendant is a place of public accommodation subject to the NYCHRL, and denies that Defendant's website is not compliant with the requirements of the NYCHRL. Defendant admits the remaining allegations of paragraph 79 of the Complaint.

80. Defendant denies that its website is a place of public accommodation subject to the NYCHRL, and denies that Defendant's website is not compliant with the requirements of the NYCHRL. Defendant denies that its website is a "service, privilege or advantage" of Defendant's online auction house as defined by the NYCHRL.

81. Defendant denies the allegations of paragraph 81 of the Complaint.
82. Defendant denies the allegations of paragraph 82 of the Complaint.
83. Defendant denies the allegations of paragraph 83 of the Complaint.
84. Defendant denies the allegations of paragraph 84 of the Complaint.
85. Defendant denies the allegations of paragraph 85 of the Complaint.
86. Defendant denies the allegations of paragraph 86 of the Complaint.
87. Defendant denies the allegations of paragraph 87 of the Complaint.
88. Defendant denies the allegations of paragraph 88 of the Complaint.
89. Defendant denies the allegations of paragraph 89 of the Complaint.
90. Defendant denies the allegations of paragraph 90 of the Complaint.

FOURTH CAUSE OF ACTION

DECLARATORY RELIEF

91. Defendant reasserts its answers to paragraphs 1 – 90 of the Complaint.
92. Defendant denies the allegations of paragraph 92 of the Complaint.
93. Defendant denies the allegations of paragraph 93 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

The claims asserted by Plaintiff and the Class are barred, in whole or in part, for failure to plead facts sufficient to establish his claims and the relief sought.

SECOND AFFIRMATIVE DEFENSE

(Statute of Limitations)

1 The claims asserted by Plaintiff and the Class asserted in the Complaint are barred by the
2 applicable statutes of limitations.

3 **THIRD AFFIRMATIVE DEFENSE**

4 (Standing)

5 Plaintiff lacks standing to bring the claims asserted in the Complaint because Plaintiff did
6 not attempt and was unable to register and participate in an auction through Defendant's website.

7 **FOURTH AFFIRMATIVE DEFENSE**

8 By statute, the provisions of the ADA do not apply nor is Defendant's online-only
9 company a place of public accommodation under the ADA.

10 **FIFTH AFFIRMATIVE DEFENSE**

11 By statute, the provisions of the NYSHRL do not apply nor is Defendant's online-only
12 company a place of public accommodation under the NYCHRL.

13 **SIXTH AFFIRMATIVE DEFENSE**

14 By statute, the provisions of the NYSHRL do not apply nor is Defendant's online-only
15 company a place of public accommodation under the NYCHRL.

16 **SEVENTH AFFIRMATIVE DEFENSE**

17 (Res Judicata)

18 The claims asserted by Plaintiff and the Class asserted in the Complaint are barred by the
19 doctrine of Res Judicata.

20 **EIGHTH AFFIRMATIVE DEFENSE**

21 (Judicial and Collateral Estoppel)

22 The claims asserted by Plaintiff and the Class asserted in the Complaint are barred by the
23 doctrines of judicial and collateral estoppel.

24 **NINTH AFFIRMATIVE DEFENSE**

25 (Reservation of Defenses)

26 Defendant's discovery and investigation is ongoing and Defendant reserves the right to
27 assert additional affirmative defenses and counterclaims and to supplement, alter or change this
28 response upon revelation of more definitive facts.

Dated: December 17, 2020

/s/Armen R. Vartian
Armen R. Vartian (AV4124)
LAW OFFICES OF ARMEN R. VARTIAN
1601 N. Sepulveda Blvd., #581
Manhattan Beach, CA 90266
310-372-1355
armen@vartianlaw.com

Attorney for Defendant

To:

VIA ECF
Jeffrey M. Gottlieb
Dana L. Gottlieb
GOTTLIEB & ASSOCIATES
150 East 18th St., Ste PHR
New York, NY 10003
313-338-9795
Jeffrey@gottlieb.legal
danalgottlieb@aol.com

Attorneys for Plaintiff